

Children's Rights in England

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Manger

About CRAE

- Established in 1991, now part of Just for Kids Law (merged August 2015)
- Believe human rights are a powerful tool in making life better for children
- Over 150 members – organisations and individuals
- Our vision: a country that values and upholds every child's human rights
- Work focussed on:
 - The UN Convention on the Rights of the Child (UNCRC) and General Measures of Implementation
 - Children and policing and the criminal justice system
 - Supporting children to campaign on homelessness
 - Capacity building the voluntary sector

The UNCRC and the UK

- **The CRC**

Applies to all children 17 and under. It offers 40 major rights – civil, political, social, economic and cultural which cover all aspects of children's lives. It also offers additional rights to vulnerable children.

- **General Principles**

Non-discrimination (*Article 2*)

Best interest of the child (*Article 3*)

Right to life, survival and development (*Article 6*)

Right to be heard (*Article 12*)

- **Ratification and Implementation in the UK**

Ratified in 1991

Implementation remains patchy

2016 Concluding Observations from UN Committee highlighted that more needs to be done.

Article 12

- **Article 12 (Respect for the views of the child):**

When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account. This includes decisions family, legal or administrative decisions.

- **Defining participation**

Relates to different forms of decision-making. Including decisions made within individual, project, local, national or international contexts.

- **Entitlement to participation rights**

They aren't optional and they aren't charity. They are legal obligations – UK state committed to implement the CRC .

Apply to all parts of the public sector – central Government, local authorities, courts, hospitals

Treating children with dignity and respect, and valuing their views and opinions central to a child rights approach

Examples of successful implementation

- Section 38 of the 2014 Children and Families Act

Strengthened participation rights in section 38 around the preparation of Education, Health and Care (EHC) plans for children with SEN ensuring that Local Authorities '**must**' send the draft plan to the child's parent or the young person, previously this had been 'may'.

- Section 11 of the 2004 Children's Act

Successfully achieved inclusion of a duty that organisations and professionals working with and on behalf of children must develop a culture of listening to children and taking account of their wishes and feelings, both in individual decisions and the development of services.

Recommendations from children and young people

- **2013 ‘Speaking Freely’ global study on violence against children and the justice system**

‘Promote, facilitate and implement the principle of respect for the views of the child throughout the justice system. In particular, involve children and young people with experience of custody in policy-making and evaluation in justice institutions’

- **2016 Marginal Gains findings on CSE:**

‘The main challenge identified was bringing about cultural change within the police in respect of their interactions with adolescents’

Being respectful and non-judgemental

Demonstrating empathy and compassion

Effectively eliciting and responding to young people’s accounts

Current Policy Context

- Participation Rights are not enshrined holistically in policy making.
- Progress is fragmented and participation rights are dependent on legislative opportunities.
- Progress is patchy and varies nationally.
- Lack of knowledge and respect for participation at level of national policy making.

What needs to change?

- Article 12 must be strengthened at the level of national policy making and development.
- Systematic inclusion of participation rights for children of all age groups, not just older groups.
- **Public Sector Duty** to apply to all civil servants, doctors, NHS staff and police officers.
- A statutory obligation at national and devolved levels to systematically conduct a **Child Rights Impact Assessment (CRIA)** when developing laws and policies affecting children.

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